

TDIS

U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:20-mj-00086-BK All Defendants
Internal Use Only

Case title: USA v. SEALED

Date Filed: 01/31/2020

Other court case number: 4:17-cr-34-1 Southern District of
Texas-Houston Division

Date Terminated: 01/31/2020

Assigned to: Magistrate Judge
Renee Harris Toliver

Defendant (1)

Abran Martinez
TERMINATED: 01/31/2020

represented by **Federal Public Defender**
Federal Public Defender – Dallas
525 Griffin St
Suite 629
Dallas, TX 75202
214-767-2746
Fax: 214-767-2886
Email: jason_hawkins@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender Appointment
Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Rule 5 Arrest

Disposition

Plaintiff**USA**represented by **Suzanna O Etessam–DOJ**

US Attorney's Office

1100 Commerce St

3rd Floor

Dallas, TX 75242

214–659–8643

Fax: 214–659–8803

Email: suzanna.etessam@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: US Attorney's Office**Bar Status: Admitted/In Good Standing*

Date Filed	#	Page	Docket Text
01/31/2020			Arrest (Rule 5) of Abran Martinez. Case Number 4:17–cr–34–1 from Southern District of Texas–Houston Division. (mcrd) (Entered: 01/31/2020)
01/31/2020	<u>1</u>	3	Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Initial Appearance as to Abran Martinez held on 1/31/2020. Date of Arrest: 1/31/2020 Location interval set to: LO. Attorney Appearances: AUSA – Suzanna Etessam; Defense – Stephanie Inman. (No exhibits) Time in Court – :09. (Court Reporter: Debbie Kriegshauser) (mcrd) (Entered: 02/04/2020)
01/31/2020	<u>2</u>	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Abran Martinez. Federal Public Defender for Abran Martinez appointed. (Ordered by Magistrate Judge Renee Harris Toliver on 1/31/2020) (mcrd) (Entered: 02/04/2020)
01/31/2020	<u>3</u>	5	WAIVER of Rule 32 Hearings by Abran Martinez. (mcrd) (Main Document 3 replaced on 2/4/2020) (mcrd). (Entered: 02/04/2020)
01/31/2020	<u>4</u>	6	(Document Restricted) CJA 23 Financial Affidavit by Abran Martinez. (mcrd) (Entered: 02/04/2020)
01/31/2020	<u>5</u>	8	Motion for Detention as to Abran Martinez filed by USA. (Notice: Any required service of this document is the responsibility of the filer.) (mcrd) (Entered: 02/04/2020)
01/31/2020	<u>6</u>	11	Report of Proceedings under Rule 32.1 and Order Entered Thereon as to Abran Martinez. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to Southern District of Texas–Houston. (Ordered by Magistrate Judge Renee Harris Toliver on 1/31/2020) (mcrd) (Entered: 02/04/2020)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

JUDGE: RENEE HARRIS TOLIVER		Debbie/Kriegshauser
DEPUTY CLERK: M. Wright		COURT REPORTER/TAPE NO: STR
LAW CLERK:		USPO/PTSO:
INTERPRETER:		COURT TIME: 9 Minutes
A.M.	P.M.	DATE: January 31, 2020

☐ MAG. NO.
Toliver

☐ DIST. CR. NO. 3:20-mj-00086-BK *SEALED*

USDJ Magistrate Judge Renee Harris

UNITED STATES OF AMERICA

§
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§
§
§
§

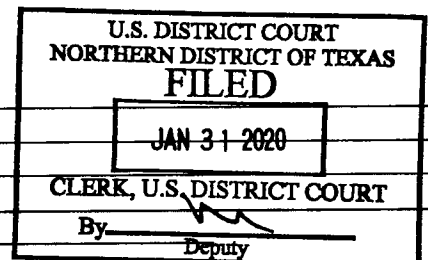
Suzanne Etzsga, AUSA

v.

Stephanie Inman (F)
COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

ABRAN MARTINEZ (1)

- ☐ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
☐ DATE OF FEDERAL ARREST/CUSTODY: 01/31/2020 ☐ SURRENDER _____
☒ RULE 5/32 ☐ APPEARED ON WRIT
☐ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
☐ DEFT FIRST APPEARANCE WITH COUNSEL.
☐ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☐ WITH ☐ WITHOUT COUNSEL
☒ REQUESTS APPOINTED COUNSEL.
☒ FINANCIAL AFFIDAVIT EXECUTED.
☒ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
☐ PRIVATE COUNSEL APPOINTED _____
☐ DEFT HAS RETAINED COUNSEL _____
☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET _____
☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
☐ COUNSEL DETERMINATION HEARING SET _____
☐ IDENTITY/REMOVAL HEARING SET _____
☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
☐ NO BOND SET AT THIS TIME, _____ DAY DETENTION ORDER TO BE ENTERED.
☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
☒ ORDER OF DETENTION PENDING TRIAL ENTERED.
☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
☒ DEFT ☐ MW REMANDED TO CUSTODY.
☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
☒ WAIVER OF ☐ PRELIMINARY HEARING ☒ RULE 5/32 HEARING ☐ DETENTION HEARING
☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.
☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
☐ REMARKS: _____



1:50 3:01
1:54 3:06

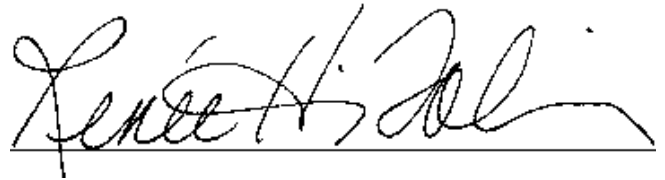
**UNITED STATES DISTRICT COURT
FOR THE Northern District of Texas
Dallas**

USA)	
)	
Plaintiff,)	
)	
v.)	Case Number: 3:20-mj-00086-BK
)	
Abran Martinez)	
Defendant.)	

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

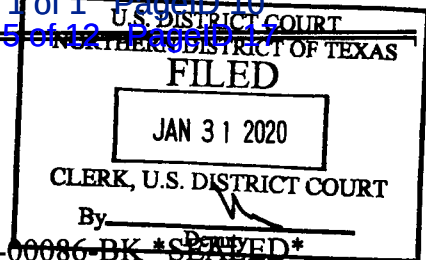
Based on the defendant's sworn Financial Affidavit and representations in open court, the Court finds that the defendant is financially unable to obtain counsel. Pursuant to 18 USC § 3006A, the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the defendant for all proceedings, including any appeal.

SO ORDERED ON 1/31/2020.



Renee Harris Toliver
Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

§ Case No. 3:20-mj-00086-BK *SEALED*

v.

ABRAN MARTINEZ (1)

§
§
§
§ Charging District's Case No. 4:17-cr-34-1

WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the (name of other court) Southern District of Texas-Houston Division.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 31 day of January, 2020

Defendant's signature

Signature of defendant's attorney
Stephanie Inman
Printed name of defendant's attorney

3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

§ Case No. 3:20-mj-00086-BK *SEAL*

v.

ABRAN MARTINEZ (1)

§
§
§
§
§ Charging District's Case No. 4:17-cr-34-1

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(Violation of Probation or Supervised Release)**

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I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 31 day of January, 2020

Abra Martinez
Defendant's signature

Stephanie Inman
Signature of defendant's attorney
Printed name of defendant's attorney

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JAN 31 2020
CLERK, U.S. DISTRICT COURT

3:20 MJ 86-34

CJA 23
(Rev. 11/11)
FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)

IN THE CASE OF

_____ v. _____

FOR _____
AT _____

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

X Abran Martinez

- ☐ 1 Defendant - Adult
- ☐ 2 Defendant - Juvenile
- ☐ 3 Appellant
- ☐ 4 Probation Violator
- ☐ 5 Supervised Release Violator
- ☐ 5 Habeas Petitioner
- ☐ 7 2255 Petitioner
- ☐ 8 Material Witness
- ☐ 9 Other (Specify)

DOCKET NUMBERS
Magistrate Judge

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box—)

- ☒ Felony
- ☐ Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☒ Yes ☐ No ☐ Self-Employed
Name and address of employer: on Demand Staffing
IF YES, how much do you earn per month? \$ 2000
IF NO, give month and year of last employment? March 2019
How much did you earn per month? \$ 10500

If married, is your spouse employed? ☐ Yes ☒ No

IF YES, how much does your spouse earn per month? \$ N/A
If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ N/A

INCOME & ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No
IF YES, give the amount received and identify the sources
RECEIVED: \$ 0
SOURCES: _____

CASH

Do you have any cash on hand or money in savings or checking accounts? ☐ Yes ☒ No IF YES, total amount? \$ 0

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No
IF YES, give value and description for each
VALUE DESCRIPTION
\$ _____
\$ _____
\$ _____

OBLIGATIONS & DEBTS

DEPENDENTS

- ☒ MARITAL STATUS
Single
Married
Widowed
Separated or Divorced

Total No. of Dependents _____

List persons you actually support and your relationship to them
0

DEBTS & MONTHLY BILLS
(Rent, utilities, loans, charge accounts, etc.)

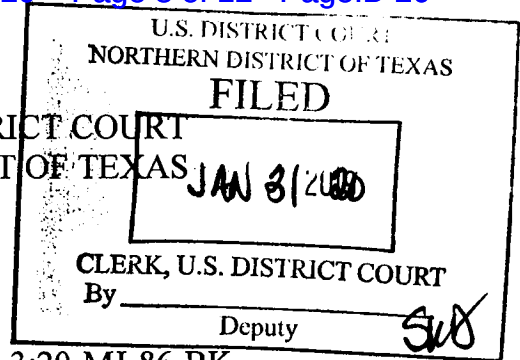
DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT
<u>Rent</u>	\$ <u>3000</u>	\$ <u>300</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

I certify under penalty of perjury that the foregoing is true and correct.

Abran Martinez
SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

1-31-20
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

ABRAN MARTINEZ

NO. 3:20-MJ-86-BK

MOTION FOR DETENTION

The United States moves for detention of above named defendant pursuant to
Crim. Rule 32.1(a)(6) and 18 U.S.C. §3143(a).

1. Eligibility of Case. This case is eligible for a detention order because the case
involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. §3156);
- ☐ Maximum sentence life imprisonment or death
- ☐ 10 + year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☒ Serious risk defendant will flee
- ☒ Serious risk obstruction of justice
- ☐ Felony involving a minor victim
- ☐ Felony involving a firearm, destructive device, or any other
dangerous weapon
- ☐ Felony involving a failure to register (18 U.S.C. § 2250)
- ☒ Petition for Supervised Release Revocation filed

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

☒ Defendant's appearance as required

☒ Safety of any other person and the community

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against defendant because (check one or both):

☐ Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. §924(c)

☐ Probable cause to believe defendant committed a federal crime of terrorism, 18 U.S.C. §2332b(g)(5)

☐ Probable cause to believe defendant committed an offense involving a minor, 18 U.S.C. §§1201, 2251

☐ Previous conviction for "eligible" offense committed while on pretrial bond

☒ Probable cause to believe Defendant violated terms of supervised release, FRCP 32.1(a)(6).

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

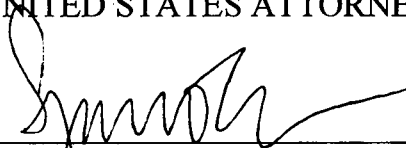
☐ At first appearance

☒ After continuance of 3 day (not more than 3).

January 31, 2020.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY



SUZANNA O. ETESSAM
Assistant United States Attorney
Texas Bar No. 17572420
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214.659.864
Email: Suzanna.etessam@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on counsel for the January
31, 2020.



Suzanna O. Etessam
Assistant United States Attorney

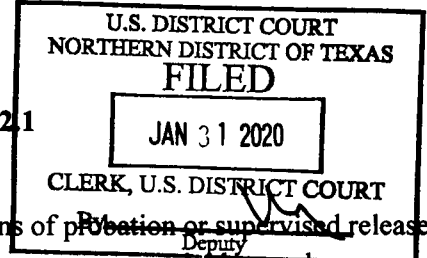
UNITED STATES OF AMERICA

v.

ABRAN MARTINEZ (1)

§ Case No. 3:20-mj-00086-BK
§ Other Dist. Docket No. 4:17-cr-34-1
§ Charge Pending:
§ Southern District of Texas
§ Houston Division

**REPORT OF PROCEEDINGS UNDER RULES 32.1
AND ORDER ENTERED THEREON**



The defendant is charged in the above-referenced district with violating conditions of probation or supervised release. Having been arrested in this district on a warrant issued on the petition to revoke probation or supervised release, she appeared before me for proceedings as follows:

-
- 32.1(a)(5)(A) : ☐ The alleged violation occurred in this district.
- ☐ The defendant waived preliminary hearing.
- ☐ Based on the evidence presented during preliminary hearing, the Court finds that:
- ☐ There is probable cause to believe that a violation occurred.
- ☐ There is NOT probable cause to believe that a violation occurred.

-
- 32.1(a)(5)(B): ☒ The alleged violation did not occur in this district.
- ☐ The government has produced copies of the judgment, warrant, and warrant application.
- ☒ The defendant waived production of copies of the judgment, warrant, and warrant application.
- ☒ The Court finds that the person before the Court is the defendant named in the warrant because:
- ☒ The defendant waived identity hearing.
- ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is NOT the defendant named in the warrant.
- ☒ The defendant waived detention hearing in this district and requested that detention hearing be held in the prosecuting district.

TO: UNITED STATES MARSHAL

- ☒ You are commanded to remove the above named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

SIGNED:

(Use Other Side for Return)



Renee H. Toliver
United States Magistrate Judge